

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
)	
vs.)	CR. NO. 2:05-cr-119-MEF
)	
DON EUGENE SIEGELMAN,)	
PAUL MICHAEL HAMRICK,)	
GARY MACK ROBERTS, and)	
RICHARD M. SCRUSHY.)	

**UNITED STATES' RESPONSE TO DEFENDANT SCRUSHY'S MOTION IN
LIMINE TO PROHIBIT ANY REFERENCE TO MATTERS CONCERNING
THE EARLIER CRIMINAL CASE AGAINST RICHARD SCRUSHY IN
THE NORTHERN DISTRICT OF ALABAMA**

COMES NOW the United States of America, by and through Louis V. Franklin, Sr., Acting United States Attorney for the Middle District of Alabama, and Andrew C. Lourie, Acting Chief of the Public Integrity Section of the Criminal Division of the United States Department of Justice, and hereby files its Response to Defendant Richard Scrushy's motion to prohibit the United States from offering argument or evidence concerning, or otherwise mentioning, matters relating to the criminal case in which he was acquitted in the United States District Court for the Northern District of Alabama. The United States does not object to the Court's granting such motion as long as the Court issues a similar order to preclude any such reference or mention by Defendant Scrushy and Defendant Scrushy honors the order of the Court. Should Defendant Scrushy or some other defendant, by the manner in which the defense is conducted, open the door for such evidence, the United States may then seek to offer such evidence. The United States will seek permission of the Court prior to doing so. The United States respectfully submits that the Court, in any order it issues

persuant to Defendant Scrushy's motion and this Response, not exlude evidence obtained from HealthSouth Corporation which the government intends to offer as evidence of the crimes charged in the indictment in this case being tried in the Middle District of Alabama and which in no way mentions or evidences the fact that some other crime was charged and tried in the Northern District of Alabama.

Respectfully submitted this 10th day of April, 2006.

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UNITED STATES OF AMERICA,

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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted,

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